



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

JUN 26 2015

Ref: 8EPR-N

Todd Yeager, Field Manager
Miles City Field Office
Bureau of Land Management
c/o Mary Bloom, RMP Team Leader
111 Garryowen Road
Miles City, MT 59301-0940

Re: Miles City Field Office Proposed Resource Management Plan and
Final Environmental Impact Statement, CEQ #20150140

Dear Mr. Yeager:

The U.S. Environmental Protection Agency Region 8 has reviewed the Bureau of Land Management (BLM) June 2015 Final Environmental Impact Statement (EIS) and Proposed Resource Management Plan (PRMP) for the Miles City Field Office (MCFO). Our comments are provided for your consideration pursuant to our responsibilities and authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA).

Background

The MCFO planning area consists of approximately 25.8 million acres in the eastern third of Montana and includes Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Treasure, and Wibaux Counties, as well as portions of Big Horn and Valley Counties. The planning area also includes lands of the Fort Peck Tribes (Assiniboine and Sioux Tribes), the Northern Cheyenne Tribe, and the Turtle Mountain Band of Chippewa. Of this large planning area, about 2.8 million surface acres (or 11%) are administered by the BLM. In addition, the BLM administers about 11 million of the 25 million mineral acres in the planning area (or 44%).

The March 2013 Draft EIS identified the Preferred Alternative as Alternative E, which placed emphasis on resource use while providing protection to sensitive resources. Based on comments received, Alternative E was modified and is now presented as the PRMP to provide comprehensive, long-range decisions for the use and management of resources in the planning area administered by the BLM. The PRMP is designed to address numerous management challenges for resource use, including energy development, air quality, livestock grazing and greater sage-grouse habitat management, in a manner that conserves physical, biological, heritage and visual resources. This PRMP will revise and replace the 1996 Big Dry and the 1985 Powder River RMPs. Since this is a programmatic analysis, site specific projects are not being considered or approved at this time.

We appreciate that many of our June 4, 2013 comments on the Draft EIS have been addressed. As a Cooperating Agency, the EPA provided specific input, including detailed recommendations on ways to ensure adequate air resource and water resource impact analyses and mitigation to address significant impacts. Our remaining comments are all within the scope of concerns expressed in our Draft EIS comment letter and focus on only the most significant of those concerns as they pertain to the NEPA analysis and protection of air resources and water resources.

Air Resources

We want to reiterate that the BLM Montana/Dakotas Office has done an excellent job of implementing the 2011 “MOU Regarding Air Quality Analyses and Mitigation for Federal Oil and Gas Decisions through the NEPA Process” and coordinating the associated Air Quality Technical Workgroup (AQTW). The collaboration among the AQTW participants has resulted in effective and efficient NEPA air quality analyses thus far, and we believe it will continue to do so moving forward. The results of this collaboration and analyses are evident in PRMP measures, such as oil and gas lease stipulations and emissions reduction strategies to be required at the project level. These measures will help ensure that air quality and air quality related values are protected as projects begin to move forward and are tiered to the RMP analyses. The analyses, mitigation measures, and related collaborative processes are well-documented in the Final EIS and Air Resource Management Plan and include the BLM’s commitment to “facilitate an interagency process to ensure that a comprehensive strategy is developed to manage air quality impacts from future oil and gas development in the region.” We acknowledge and appreciate the resources and effort that have made the BLM Montana/Dakotas AQTW process successful thus far, and we look forward to continued participation.

Greenhouse Gas (GHG) Emissions and Climate Change

We appreciate the discussion of climate change and the inclusion of GHG emissions inventories for each alternative. We also note that Table 2-5, Comparison of Alternatives, includes climate change-related management goals (e.g., reduce GHG emissions when feasible; maintain or improve the ability of BLM-administered lands to reduce (sequester) atmospheric GHGs) and management actions that will be implemented (e.g., prioritize actions that reduce or mitigate GHG emissions such as enhanced energy efficiency, use of lower GHG-emitting technologies, capture or beneficial use of methane emissions, and/or sequestration of carbon dioxide through enhanced oil recovery or other means; promote vegetative capture and storage of carbon).

We believe the Council on Environmental Quality (CEQ) December 2014 Revised Draft Guidance for Federal Agencies’ Consideration of GHG Emissions and Climate Change offers a reasonable approach for conducting analyses of GHGs and climate change impacts. We note that the MCFO PRMP/Final EIS compares the GHG emissions to state, national and global emissions; we believe this approach does not provide meaningful information for a planning level analysis. We recommend that the NEPA analyses provide a frame of reference, such as an applicable federal, state, tribal or local goal for GHG emission reductions, and discuss whether the emissions levels are consistent with such goals.

While the Chapter 4 Air Resources and Climate section notes that “the lack of scientific tools (models with sufficient spatial and temporal resolution) to forecast climate change at local scales limits the ability to quantify many future impacts of climate change in the planning area,” we recommend agencies follow the approach recommended in the CEQ guidance of using the projected GHG emissions as proxy for assessing a proposed action’s potential climate change impacts. This allows an agency to present the environmental impacts in clear terms and with sufficient information to make a reasoned choice between the no-action and alternatives and mitigation.

Lastly, we note that the Chapter 4 Minerals/Coal section indicates it is assumed that “certain unspecified greenhouse gas emission reductions measures would be considered during the environmental analysis conducted in response to individual lease requests.” We recommend that the BLM’s Record of Decision for this RMP commit to developing methane collection and usage mitigation measures prior to (or as part of) future coal leasing and/or mine development involving the release of large quantities of methane.

Water Resources

Oil and Gas Lease Stipulations: We appreciate the BLM’s considerable effort to protect water resources in the MCFO. The PRMP includes oil and gas lease stipulations that will be applied at the project level to protect water resources, including perennial or intermittent streams, lakes, ponds, reservoirs, 100-year floodplains, wetlands/riparian areas, and source water protection areas. We also appreciate the addition of the Lease Notice for Setbacks from Human Occupied Residences, which will ensure that facilities will not be allowed within 500 feet of human occupied residences. This measure essentially addresses our recommendation for a minimum 500-foot setback from private wells.

While some of these water resource lease stipulations are not completely consistent with the EPA’s recommendations for No Surface Occupancy, we understand that the MCFO is confident that a valuable level of buffer protection was achieved by including 100-year floodplains in the areas managed under the NSO lease stipulation in combination with the Controlled Surface Use (CSU) lease stipulation for riparian and wetlands areas. We encourage you to continue this positive trend in protecting the MCFO’s valuable water resources.

We continue to recommend that the CSU lease stipulation for Riparian and Wetlands Resources be revised to NSO. We believe that NSO buffers are, in most circumstances, the surest method to protect aquatic resources, particularly in areas where high value water resources are in close proximity to areas with oil and gas development potential that may result in a high density of wells. We recommend NSO to minimize potential deterioration of water quality and to maintain natural hydrologic function of stream channels, stream banks, floodplains and riparian communities. We make this recommendation, in part, based on the fact that a large number of waterbodies in the MCFO planning area are impaired due to sedimentation and/or alteration in stream-side vegetative cover. As noted in the Water Appendix, many causes of impairment can have several probable sources, including unknown sources, and assigning probable sources is a tentative exercise. While petroleum/natural gas activities may not be

specifically identified as a source at this time, many BLM-authorized activities, including oil and gas development, have the potential to contribute to concerns regarding sedimentation and stream-side vegetation alteration. With this in mind, we request that this NSO recommendation be re-evaluated during the lease sale stage or project level NEPA analyses.

Water Management Associated with Oil and Gas Development: We appreciate that a qualitative discussion was added to the PRMP to address water management issues associated with oil and gas development. We note that quantitative analysis was deferred to the project level. Given concerns with drought conditions in the planning area, it will be particularly important for project level analyses to address issues moving forward related to the management of flow back and produced water, including the following topics: estimated water demand; sources of this water; potential impacts of the water withdrawals; estimated volume of produced water to be generated; options and potential locations for managing the produced water; and potential impacts of produced water management.

Water Resource Monitoring: We note that our Draft EIS recommendations related to water resource monitoring were not addressed. We continue to recommend that all BLM-authorized oil and gas multi-well projects be required to conduct groundwater and surface water monitoring prior to, during and after development to detect impacts to both surface water and groundwater resources. Recent spill events highlight the importance of gathering pre-development data. In anticipation of the need for baseline information to respond to spill events and/or potential future reporting needs, we encourage you to develop a water quality monitoring plan for inclusion in the RMP. We are available to discuss such plans if that would be helpful.

Minerals Appendix

We note an inconsistency in the Minerals Appendix that simply may be an oversight in revisions made between the Draft EIS and the Final EIS. Stipulations listed under Preferred Alternative E do not entirely match those identified in the Chapter 2 alternatives comparison (i.e., Table 2.5). Specifically, the Minerals Appendix appears to be missing the NSO for Badlands and Rock Outcrop under the Preferred Alternative. We recommend this revision to the Minerals Appendix to ensure clarity and consistency within the RMP and with other Field Offices where this revision was addressed.

Closing

We have greatly appreciated the BLM's collaborative efforts over the years of development of this EIS. While we support your PRMP, we note that if a less protective decision is ultimately selected, then some of our previous comments on the water resources and air quality analyses and mitigation measures for

this EIS would be important to revisit. If further explanation of our comments is desired, please contact me at 303-312-6704, or your staff may contact Amy Platt, at 303-312-6449 or platt.amy@epa.gov.

Sincerely,

A handwritten signature in cursive script that reads "David Fronczyk".A handwritten word in cursive script that reads "for".

Philip S. Strobel

Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

cc: Joe Meek, Montana Department of Environmental Quality

